

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

AARON PRICE,

Plaintiff,

vs.

HOWARD SKOLNIK, et al.,

Defendants.

Case No. 2:10-CV-01555-JCM-(PAL)

ORDER

Plaintiff commenced this action in the Eighth Judicial District Court of the State of Nevada. Defendants have removed the action to this court. The court has reviewed the complaint, and the court will ask the Attorney General of the State of Nevada whether she can accept service of process for the defendants that have not yet been served.

When a “prisoner seeks redress from a governmental entity or officer or employee of a governmental entity,” the court must “identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint (1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.” 28 U.S.C. § 1915A(b). Rule 12(b)(6) of the Federal Rules of Civil Procedure provides for dismissal of a complaint for failure to state a claim upon which relief can be granted. Review under Rule 12(b)(6) is essentially a ruling on a question of law. North Star Intern. v. Arizona Corp. Comm’n, 720 F.2d 578, 580 (9th Cir. 1983). In considering whether the plaintiff has stated a claim upon which relief can be granted, all material allegations in the complaint are accepted as true and are to be construed in the light most favorable to the plaintiff. Russell v. Landrieu, 621 F.2d 1037,


1 1039 (9th Cir. 1980). Allegations of a pro se complainant are held to less stringent standards than
2 formal pleadings drafted by lawyers. Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam).

3 Plaintiff alleges that he is Jewish. He claims that prison officials have denied his
4 requests to be provided kosher meals; they require that he provide recognition from an outside
5 Jewish organization that he actually is a conservative or orthodox Jew. Plaintiff also claims that
6 prison officials then retaliated against him when he complained about the denial. Plaintiff's
7 allegations, if true, state claims of violations of the Constitution of the United States and of the
8 Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc et seq.

9 IT IS THEREFORE ORDERED that the attorney general shall advise the court
10 within twenty (20) days from the date that this order is entered whether service of process for
11 defendants Watson and Shaw, is accepted. Within thirty (30) days of the date of the notice of
12 acceptance of service or the notice of non-acceptance of service, the attorney general shall file and
13 serve an answer or other response to the complaint on behalf of the defendants who have been
14 served. If service cannot be accepted for any of the named defendants, then plaintiff will need to
15 file a motion identifying the unserved defendant(s), requesting the issuance of a summons, and
16 specifying a full name and address for said defendant(s).

17 IT IS FURTHER ORDERED that henceforth, plaintiff shall serve upon defendants
18 or, if appearance has been entered by counsel, upon the attorney(s), a copy of every pleading,
19 motion or other document submitted for consideration by the court. Plaintiff shall include with the
20 original paper submitted for filing a certificate stating the date that a true and correct copy of the
21 document was mailed to the defendants or counsel for the defendants. The court may disregard any
22 paper received by a district judge or magistrate judge which has not been filed with the clerk, and
23 any paper received by a district judge, magistrate judge or the clerk which fails to include a
24 certificate of service.

25 DATED: December 30, 2010.

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28 JAMES C. MAHAN
United States District Judge